

**From:** [Foster, Anne](#)  
**To:** [Leos, Valmichael](#)  
**Cc:** [Miller, Garyg](#); [Turner, Philip](#); [Salinas, Amy](#)  
**Subject:** Re: Need technical and legal review of DRAFT response to TCRA questions  
**Date:** Wednesday, January 23, 2013 11:15:54 AM

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Hi Valmichael:

What do you think about this for No. 4:

The Cap was constructed under the authority of the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which is a federal regulation implementing CERCLA. CERCLA and the NCP provide that responsible parties may perform CERCLA response actions, such as designing and constructing the Cap. However, the work performed by the private parties was done with oversight by the EPA, and this EPA oversight included reviewing and approving the design and final construction of the Cap. The EPA is continuing its oversight through its involvement in the current Cap assessment. The EPA will review the assessment report and must approve any additional actions in response to the assessment.

And No. 7:

The EPA does have the authority to conduct response work using governmental funds, and to seek reimbursement of the response costs at a later date from the responsible parties. The EPA's general policy, however, is to pursue enforcement options first to achieve private party cleanups, and conserve governmental funds for sites where there are no responsible parties able to perform the work. The EPA performs oversight of responsible party cleanups to make sure the cleanups comply with CERCLA and applicable regulations and guidance.

Donn may be able to make these more readable. If you want to stick more to your original drafts, please note that the NCP cites in your drafts are for OPA responses.

I agree, I don't think we should answer the questions directed at TDHS

From: Valmichael Leos/R6/USEPA/US

To: Garyg Miller/R6/USEPA/US@EPA, Anne Foster/R6/USEPA/US@EPA

Cc: Philip Turner/R6/USEPA/US@EPA

Date: 01/22/2013 03:39 PM

Subject: Need technical and legal review of DRAFT response to TCRA questions

Gary / Anne,

Please review the following DRAFT document. Gary please all the questions, especially #1, #2, and #6. Also, do we need Phil to chime in on question #5 and #9 or are these questions more appropriately answered by the Texas Department of State Health Services which may have more direct authority?



9494296

Anne,

Please chime in on questions #4, and #7 specifically.

[attachment "CommunityQuestions.docx" deleted by Anne Foster/R6/USEPA/US]

Valmichael Leos

On Scene Coordinator (OSC)

Emergency Readiness Section

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To report an Environmental Violation, visit EPA's website at  
<http://www.epa.gov/compliance/complaints/index.html>

From: Gary Miller/R6/USEPA/US

To: Valmichael Leos/R6/USEPA/US@EPA

Date: 01/16/2013 11:30 AM

Subject: Re: FW: SAN JACINTO RIVER MEETING!-Notes and Q&As

Valmichael,

Can you take a stab at answering the TCRA type questions below? These would wind up on the FAQ section of our web page.

Thanks,

Gary Miller

EPA Remedial Project Manager

(214) 665-8318

email: miller.garyg@epa.gov

From: "Scott Jones" <sjones@galvbay.org>

To: Donn Walters/R6/USEPA/US@EPA, Gary Miller/R6/USEPA/US@EPA

Date: 01/16/2013 11:17 AM

Subject: FW: SAN JACINTO RIVER MEETING!-Notes and Q&As

Hi Donn and Gary-

Can y'all address and post appropriate FAQs based on what Ramonia Williams sent below after the Nov. 15<sup>th</sup> meeting? I think it will help the situation if they are addressed one way or the other. Please let me know if you think that can happen before the TAG meeting.

Thanks-

Scott

Scott A. Jones

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**From:** Ramonia Dirden [<mailto:ramonia3@yahoo.com>]

**Sent:** Sunday, November 18, 2012 12:48 PM

**To:** Sarah Davis; Alton Neatherly; Birnur Guven; Bob Allen; Brad Christensen; Brockovitch, Erin; Cecil N. Jones; Charlie Rogers; Chris Ivey; Curtis Spurlock; Debra Baker; Debra Breckenridge; Diana Peña; Donn Walters; Donna Spurlock; Donna Wagner; Eddie Williams Jr.; Fred Lewis; Gary Wiggins; Gil Hoffman; Gretchen Knowles; Holly Camaha; Jeanette Early; Jennifer Harpster; Jennifer Ronk; Jimmie Strouhal; Joe Wagner; John H. Shrader ; Karen Dyer; Kelley Luke; Leslie Wagner; Linda Henry; Lisa Gossett; maria Vaughan; Marvin Shiflett; Michael Ruger; Michelle Brown; Robert W. Soard; Rock Owens; Scott Jones; Steve Stell; jkie946@yahoo.com

**Subject:** Re: SAN JACINTO RIVER MEETING!-Notes and Q&As

To the Email Recipients

During the meeting, I do not know if anyone was taking notes. I attempted to capture the Q&As to better share with my husband Eddie and even with my church and neighbors. Please review below and feel free to email your corrections, additions or comments.

Does anyone know if the local newspaper will be printing updates from this meeting to share with the community? I will check the websites to determine if questions from the comment cards have been posted.

Questions:

1. Based on the direct area of the Cap, are there any concerns of the tugboat activity creating unsuspecting problems such as subsiding?
2. Does the EPA have any future concerns for subsiding in the immediate area of the Cap?
3. When will the responsible party respond regarding the Cap assessment?
4. Why was the responsible party controlling the design and construction of the Cap?
5. Why does TDHS allow more dioxin (1000 per trillion) than other states for

residential exposure?

6. Why is the objective or purpose of the Cap in place to get to a solution in 7 to 10 years when clean-up should be more immediate?

7. Can EPA do the clean-up directly? Under what conditions?

8. Why is not one of immediate solutions to.....build a bulkhead surrounding the cap, dig out the dioxins, transport to a designated site contained area and not waste time in preliminary studies, cap assessments, etc? The longer the wait for clean-up the greater the health risk?

9. Is Health and Human services determining the immediate risk of residents of the drinking water, fish consumption and direct exposure of dioxin for swimmers, fishermen, etc in the immediate Highlands community?

Pam and Jackie, please send me your questions at your earliest convenience. Lisa, thank you for your comments.....well said.

Sarah and Mike, is there a planned meeting and if so can you share what you feel is next steps?

Thanks in advance to your time and responses.

Ramonia

**Ramonia Williams**

**From:** Sarah Davis <[peaceduck33@gmail.com](mailto:peaceduck33@gmail.com)>

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**Sent:** Tuesday, November 13, 2012 11:28 AM

**Subject:** SAN JACINTO RIVER MEETING!

This is a reminder of the SJR meeting - called by the EPA - THIS THURSDAY!! It is one of those meetings where it is important for all of us to attend - even more important than a football game! ;) Hope to see you ALL there!

Sarah Davis

The next EPA Community Meeting for the San Jacinto River Waste Pits site will be conducted **Thursday, November 15, 2012, 6:30 p.m. to 8:00 p.m.** at the Highlands, Texas Community Center, 604 Highlands Woods Drive. The meeting will update citizens on current site activities and issues.